

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re the Application of:

M. Clark DALE *et al.*

Attorney Dkt. No.: P66143US1

Application No.: 10/056,063

Group Art Unit: 1651

Filed: January 28, 2002

Examiner: Herbert J. Lilling

For: A HIGH SPEED, CONSECUTIVE BATCH OR CONTINUOUS, LOW EFFLUENT  
PROCESS FOR THE PRODUCTION OF ETHANOL FROM MOLASSES,  
STARCHES OR SUGARS

**DECLARATION**

Pursuant with a telephone discussion with Examiner Lilling on November 5, 2003, please find herewith a Declaration by one of the Applicants, M. Clark Dale, Ph.D. Dr. Dale obtained the strain used in Asturias' Examples 1 and 2 (his only working examples). This strain, which Asturias identifies as one of two particularly preferred strains (column 3, lines 21 to 25), was directly compared with the significantly enhanced subject matter to which Applicants' claims are directed.

Having provided the precise type of evidence requested to establish patentability of Applicants' generic claim, such allowance, along with all of the other instantly asserted claims, is in order and is respectively solicited.

Respectfully submitted,

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